



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR, LRE, DRI, RP, FF

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order cancelling a notice to end tenancy - Section 46
2. An Order restricting the Landlord’s access to the unit - Section 70;
3. An Order in relation to a disputed rent increase - Section 43;
4. An Order for repairs - Section 32; and
5. An Order to recover the filing fee for this application - Section 72.

The Landlord and Tenant were each given full opportunity to be heard, to present evidence and to make submissions. Both Parties confirmed that no documentary evidence was provided for the hearing.

The Tenant confirmed that the primary matter to be addressed was the notice to end tenancy but that the Tenant has moved out of the unit. The Landlord confirmed that the Tenant has moved out of the unit and that the Landlord has possession of the unit.

Section 55(1) of the Act provides that a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant to the landlord an order of possession of the rental unit if

- (a) the landlord's notice to end tenancy complies with section 52 [*form and content of notice to end tenancy*], and
- (b) the director, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice.

As the tenancy has ended, I dismiss the Tenant's application in relation to the notice to end tenancy, access to the unit, and repairs as these claims are only relevant to an ongoing tenancy. Without any copy of a notice to end tenancy provided as evidence for this hearing, it cannot be determined that the notice to end tenancy complies. Nonetheless as the Landlord has possession of the unit, there is no need to issue an order of possession for the unit.

The Tenant provided the following details in its application in relation to the dispute of a rent increase: "I have document proof".

Section 59(2)(b) of the Act provides that an application for dispute resolution must include full particulars of the dispute that is to be the subject of the dispute resolution proceedings. As the claim in relation to a rent increase may be a valid claim but given the insufficiency of particulars, I dismiss this claim with leave to reapply.

Both Parties are at liberty to make an application for dispute resolution in relation to any other losses or damage suffered during the tenancy as a result of the breach of the tenancy agreement or the Act by the other Party. Leave to re-apply or liberty to make a future application is not an extension of any applicable limitation period.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: February 27, 2020

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Residential Tenancy Branch